IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Bail Appl..No. 6910 of 2007()

CRIME NO. NOT KNOWN OF CHAVARA POLICE STATION

PETITIONERS/ACCUSED

---

1. BRIJESH NAIR @ BIJU, AGED 30 YEARS
   S/O.GANGADHARAN PILLAI,
   BLAVATH VADAKKATHIL (KRISHNA BHAVANAM)
   CHAVARA BRIDGE P.O.,KOLLAM DISTRICT.

2. GANGADHARAN PILLAI,
   BLAVATH VADAKKATHIL (KRISHNA BHAVANAM)
   CHAVARA BRIDGE P.O.,KOLLAM DISTRICT.

3. SHANKARI AMMA
   BLAVATH VADAKKATHIL (KRISHNA BHAVANAM)
   CHAVARA BRIDGE P.O.,KOLLAM DISTRICT.

4. VINESH NAIR,
   BLAVATH VADAKKATHIL (KRISHNA BHAVANAM)
   CHAVARA BRIDGE P.O.,KOLLAM DISTRICT.

BY ADV. SRI.K.ABDUL JAWAD

RESPONDENTS:

---

1. STATE OF KERALA
   REPRESENTED BY THE PUBLIC PROSECUTOR
   HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE
   CHAVARA POLICE STATION.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

B.A.No. 6910 of 2007

- -

Dated this the 14th day of November, 2007

O R D E R

Application for anticipatory bail. The first petitioner is the husband of one Smitha. Petitioners 2 to 4 are the relatives of the first petitioner. They apprehend that they may be arrested on the allegation that they are guilty of matrimonial cruelty of the culpable variety punishable under Section 498A I.P.C. The marriage had taken place on 30.4.2006.

2. The learned Prosecutor, after taking instructions, submits that though a complaint has been received from Smitha, wife of the first petitioner, no crime has been registered and there is no intention for the police to arrest the petitioners on such allegations of having committed non-bailable offences against the said Smitha. The petitioners shall not be arrested, submits the learned Prosecutor. If in future the petitioners were to be arrested on the allegation that they have committed any non-bailable offence against the said Smitha, prior notice shall be

given to the petitioners and permission of this Court shall be taken, submits the Prosecutor.

3. In the light of the submissions of the Prosecutor, which I accept, the apprehension of the petitioners is without any basis.

4. This application is hence dismissed as agreed.

(R. BASANT)
Judge

tm